

Notice of Allowability

Application No.

10/722,106

Examiner

Paul M. West

Applicant(s)

DJENNATI ET AL.

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-25-03.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 25 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5-28-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAEVIS
AU2856

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Miss Beth Arnold on 5-9-05.

The application has been amended as follows:

As to claim 1, delete the last two lines, and in their place insert, -- and a means for correlating the movement and/or position of said particle to the coagulation state of said sample. -- .

As to claim 3, replace "may be" with -- is -- .

As to claim 5, replace "may be" with -- is -- .

As to claim 9, replace "may be" (line 2) with -- is -- .

As to claim 11, replace " , " (second occurrence) with -- . -- .

As to claim 21, replace "1" (line 1) with -- 20 -- .

As to claim 13, replace "particle may comprise" (line 1) with -- at least one particle comprises -- .

As to claim 25, delete the "and" (line 4). Replace "sample." (last line), with -- sample; and a magnetic field sensor to detect the movement and/or position of the at least one particle. -- .

As to claim 15, replace "field" with -- field -- .

Art Unit: 2856

As to claim 31, delete the last three lines, and in their place insert - - field to move through said sample; using a magnetic field sensor to detect the movement and/or position of the particles; and noting that said coagulation time is an instant at which changes in the properties of said sample reduce the movement. - - .

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mize et al, Oberhardt and Cutsforth et al all teach magnetically displacing a particle to measure coagulation and optical (not magnetic) sensing. However, none of the three (3) references teach measuring particle movement and/or position with a magnetic field sensor.

The following is an examiner's statement of reasons for allowance: Note was made of the combination of (1) the last three lines ("means for correlating...sample") of claim 1 with remaining claim limitations, (2) the last two lines ("magnetic field sensor...particle") of claim 25 with remaining claim limitations, (3) the last two lines ("using a magnetic field sensor...sample") of claim 30 with remaining claim limitations, and (4) the last three lines ("using a magnetic field sensor...movement") of claim 31 with remaining claim limitations. Weight was given to the benefit cited on fourth full paragraph of page 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul M. West whose telephone number is (571) 272-8590. The examiner can normally be reached on Monday to Friday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROGUS
RAEVLIS
AU2856